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CALIFORNIA SPORTFISHING  
PROTECTION ALLIANCE

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

## CALIFORNIA SPORTFISHING PROTECTION ALLIANCE,

Plaintiff,

V.

## PACIFIC BELL TELEPHONE COMPANY

Defendant.

Case No: 2:21-cv-00073-JDP

**SUPPLEMENTAL DECLARATION OF J.  
KIRK BOYD IN SUPPORT OF  
PLAINTIFF'S MOTION TO AMEND  
SCHEDULING ORDER**

Hearing Date: January 11, 2024

Time: 10:00 a.m.

Courtroom: 9, 13<sup>th</sup> Floor

Magistrate Judge: Hon. Jeremy D. Peterson

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## DECLARATION

I, J. Kirk Boyd, declare as follows:

1. I am an attorney, licensed to practice law in all courts of the State of California. I am counsel for Plaintiff California Sportfishing Protection Alliance (“CSPA”) in this matter. I have personal knowledge of the facts in this Declaration and, if asked, could and would testify to the accuracy of these facts in a court of law.

2. I offer this Supplemental Declaration to provide additional details in support of CSPA's Motion to Amend the Scheduling Order (ECF No. 85).

3. As I stated in my previous declaration, prior to submitting a proposed schedule on August 17, 2023 and a revised schedule on August 25, 2023, neither I, nor any other CSPA counsel, had retained consultants and experts, and no sampling or analysis plan had been developed. However, I anticipated, after initial conversations with potential experts, that sampling could occur in October 2023.

4. At that time, I had assumed that CSPA would retain Marine Taxonomic Services (“MTS”) to conduct the sampling because of our previous communications at the beginning of this case and their experience sampling the cables at issue in this litigation on behalf of Environmental Defense Fund and the *Wall Street Journal*. However, that plan became unworkable as litigation progressed and disputes over the third-party subpoena to MTS evolved.

I swear under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. This declaration was executed on December 21, 2023 in Fountain Hills, Arizona.

s/J. Kirk Boyd

J. Kirk Boyd